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and whether it be the last day of grace, or the day of maturity, when there is no grace, it is clear upon principle that as soon as payment is refused, the action may be commenced."

In other sections, the author shows that the authorities "are like Swiss troops, fighting on both sides." Secs. 1207-1210.

As to the indorser, the rule seems to be that no action can be commenced against him until the notice is duly mailed, but the holder need not wait until the notice is received. If mailed on the day of dishonor, action may be instituted against the indorser on that day, as in the case of the maker. 2 Daniel, Neg. Instr., sec. 1212.

POLICE POWER—CITY ORDINANCE REGULATING WEIGHT OF BREAD—LIBERTY OF CONTRACT.—An ordinance of the city of Buffalo forbade the sale of bread by any licensed baker in loaves of less than a prescribed weight. In a prosecution for breach of the ordinance it was *Held*, that the ordinance was invalid as an unlawful interference with the liberty of the citizen. *City of Buffalo v. Collins Baking Co.*, 57 N. Y. Supp. 347.

As said by the court, the police power under which the law may interfere with one's private business, is confined to protection of the life, health, comfort, and property of the citizen. Here, there was no question of the protection of any of these. Loaves weighing less were as wholesome as those of greater weight, and no question of false weight was involved. The smaller loaves were sold at a proportionately less price.

"'Liberty,'" said the court, quoting from *People v. Gillson*, 109 N. Y. 399 (17 N. E. 345), "in its broad sense, as understood in this country, means the right not only of freedom from servitude, imprisonment or restraint, but the right of one to use his faculties in all lawful ways, to live and work where he will, to earn his livelihood in any lawful calling, and to pursue any lawful trade or avocation."

In *Allgeyer v. Louisiana*, 165 U. S. 578, the Supreme Court of the United States for the first time construed the term "liberty" in the Fourteenth Amendment, as including the liberty of contract—as meaning "not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration," but as embracing "the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion the purposes above mentioned."

MASTER AND SERVANT—TORT IN COURSE OF EMPLOYMENT.—The tortious act of a brakeman in throwing coal at a boy on the tender of an engine, by which he knocks him off or frightens him so that he jumps off, causing him to be run over and killed by the engine, is held, in *Pierce v. North Carolina R. Co.* (N. C.), 44 L. R. A. 316, to render the railroad company liable.

In *C. & O. R. Co. v. Anderson*, 93 Va. 650, it was held, contrary to rule generally prevailing in such cases, that a railroad company is not responsible for the act of a brakeman in throwing a trespasser from the train, in the absence of proof of his authority to eject trespassers, or that the custom for its brakemen to do so was known to the company.

The general principle is that the master is responsible for all the wrongs of